

RESPONSE TO OFFICE ACTION MAILED 5/10/2006
"Method for Repairing Defects in Metallic Substrate Using Welding"
Serial No. 10/772,701
Examiner: Kevin P. Kerns
Asst. Docket No. 020627.035
Page 11 of 12

REMARKS

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Applicant notes the finding that Claims 2, 4, 5, 16, 18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Therefore, claims 1 and 15 are currently amended to include the limitations of claims 2 and 18, respectively. Further, claims 2, 17, and 18 are canceled, thereby placing claims 1, 3-16, and 19-21 in a condition for allowance. Further, in response to the nonstatutory double patenting rejection, Applicant concurrently submits a terminal disclaimer in the currently pending application number 10/983,154. Additionally, in accordance with MPEP §804(B), Applicant believes that the "provisional" double patenting rejection is the only rejection remaining in the present application and therefore this rejection should be withdrawn.

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Page 12 of 12

Conclusion

In view of the above, it is submitted that the claims are in condition for allowance. If any question should arise with respect to the above remarks, or if it would in any way expedite the prosecution of this case, applicant's attorney would appreciate a telephone call at (614) 228-6280 extension 18.

Respectfully submitted,



David J. Dawsey

Date

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CERTIFICATE OF FAX TRANSMISSION UNDER 37 CFR 1.8

I, undersigned, have transmitted the accompanying response by FAX to 571-273-8300 on August 9, 2006 at 2:55 PM to the United States Patent and Trademark Office.



David J. Dawsey